

ACKNOWLEDGMENT OF RECEIPT

I, _____, hereby acknowledge that I received a copy
(printed name)

of the Summary of the Conflict of Interest Law for Municipal Employees on _____.
(date)

I am a Town of Lexington Recreation and Community Programs seasonal employee.

(signature)

~ Municipal employees should complete this acknowledgment of receipt and return it to the Town Clerk's Office, 1625 Massachusetts Avenue, Lexington, MA 02420.

~ Alternatively, municipal employees may send an email acknowledging receipt of the Summary to ethics@lexingtonma.gov. If the acknowledgement is sent electronically, please enter "COI Receipt Confirmation" in the subject line and include your name and department within the body of the email.



TOWN OF LEXINGTON

ACKNOWLEDGMENT OF RECEIPT OF ADMINISTRATIVE DIRECTIVES INCLUDING POLICIES AND MEMORANDUMS

Employee Signature Sheet

This form acknowledges that I have received and reviewed a copy of the following listed documents. I am aware that this signature sheet will be placed in my personnel file in the Town Manager's Office.

- Informational Memo #1, Non-Discrimination Policy and Procedures for Employer
- Directive #2, Harassment and Sexual Harassment Policy
- Directive #9, Smoke-Free Workplace Policy
- Directive #11, Municipal Grievance Procedure American with Disabilities Act
- Directive #12 Technology Use Policy
- Directive #16, Employee Gift Policy
- Directive #22, Weapons Policy
- Directive #24, Workplace Violence Prevention Policy and Procedures
- Directive #25, Non-Discrimination Policy and Procedures for Employees
- Directive #26, Weather and Emergency Events Policy
- Directive #30, Pregnant Workers Fairness Act
- Directive #31, Password Policy
- Directive #32, Social Media Policy

I understand that I will be held responsible for complying with the provisions of these guidelines and understand that any actions which are found to violate the terms of these policies may result in disciplinary action*, up to and including termination of employment.

Department: Recreation and Community Programs

Employee's *Printed* Name _____

Employee's *Signature* _____ Date _____

**These policies are applicable to all employees of the Town of Lexington.*

Summary of the Conflict of Interest Law for Municipal Employees

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

I. Are you a municipal employee for conflict of interest law purposes?

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts.

II. On-the-job restrictions.

(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

Example of violation: A town administrator accepts reduced rental payments from developers.

Example of violation: A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

Regulatory exemptions. There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

Example where there is no violation: A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

Example where there is no violation: A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

Example of violation: A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

Example of violation: A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

Example of violation: A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and

- immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Example of violation: A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

Example of violation: A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

Example: A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

Example where there is no violation : An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

Regulatory exemptions. In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

Example where there is no violation: A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shellfishing. The Advisory Board is required to have members who are currently commercial fisherman. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

Example of violation: A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

Example where there is no violation: A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

III. After-hours restrictions.

(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

Example: A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17) Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the

matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

Example of violation: A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

Example of violation: A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

Example: A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

Example: A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities.

Example of violation: Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

Example of violation: A selectman buys a surplus truck from the town DPW.

Example of violation: A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

Example of violation: A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

IV. After you leave municipal employment. (See Section 18)

(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

Example of violation: A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

Example: An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

Example: While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

Example: A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

* * * *

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, <http://www.mass.gov/ethics> contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

Version 6: Revised May 10, 2013

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Town of Lexington Informational Memo #1 Non-Discrimination Policy & Procedures for Employer

Created: 4/14/2017

Revised: N/A

Replaces: N/A

Effective:

Approved by:

Carl F. Valente, Town Manager

**This policy is intended as informational to Town of Lexington employees.*

A. PURPOSE

The purpose of this document is to outline the Town's policy of non-discrimination in all areas of employment for present and prospective employees, and to ensure compliance with applicable federal laws, state statutes, and Town by-laws. The duty to provide equal employment opportunity and to pursue affirmative action arises from Title VI and VII of the U.S. Civil Rights Act of 1964, M.G.L. c. 151 (B), Executive Order #11246 (as amended), and Executive Order #227. Grievance procedures for employees who may have experienced discrimination are included.

B. DEFINITIONS

Affirmative Action -- the commitment to the recognition, development, and utilization of the abilities of members of protected groups. Affirmative action is a process used to achieve the purpose and spirit of anti-discrimination laws.

Equal Employment Opportunity -- a course of action that ensures that hiring and other employment decisions are made solely on an individual's merit and qualifications, without regard to race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities.

Americans with Disabilities Act -- the federal law enacted in 1990 to ensure non-discrimination in employment against qualified individuals with disabilities.

Discrimination -- unequal treatment or categorization of individuals on a basis other than individual merit such as race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities.

Individual with a Disability -- an individual who has a physical or mental impairment that substantially limits one or more of his or her major life activities or who has a record of such an impairment, or who is regarded as having such an impairment as defined by the Americans with Disabilities Act (ADA). An individual who currently uses drugs illegally is not considered to be an individual with a disability.

Major Life Activities -- activities that an average person can perform with little or no difficulty, such as walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, caring for oneself, or working.

Race and Ethnicity -- a group of persons related by common descent or heredity and self-identify as belonging to one or more of the following categories:

White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Black or African American: A person having origins in any of the black racial groups of Africa.

Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American culture or origin, regardless of race.

Native American or Alaskan Native: A person having origins in any of the original peoples of North or South America (including Central America), and who maintains cultural tribal affiliation or community recognition.

Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Sub-continent for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Reasonable Accommodation -- a modification or adjustment to a job, employment practices, or work environment that makes it possible for an individual with a disability to enjoy an equal employment opportunity.

C. POLICY

1. General

The Town of Lexington recognizes the right of individuals to work and advance on the basis of merit, ability and potential without regard race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past

participation in discrimination complaint-related activities. Non-discrimination and equal opportunity will be the policy of the Town of Lexington in all of its employment programs and activities.

Toward this end, the Town of Lexington commits itself to take affirmative measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship training programs, and all terms and conditions of employment. The Town of Lexington is committed to fostering and encouraging a workplace comprised of individuals of diverse backgrounds, races, genders, abilities, religious beliefs, sexual orientation, and ages.

The policy of the Town of Lexington is to:

(a) Recruit, hire and promote in all job classifications without regard to race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities.

(b) Make decisions about employment so as to encourage the development of a diverse workforce.

(c) Ensure that employment and promotion decisions are made in accordance with the principles of equal employment opportunity, by imposing only valid, job-related requirements for employment and promotional opportunities.

(d) Ensure that all other personnel actions such as compensation, benefits, transfers, layoff, recall, training, tuition assistance, and social and recreational programs will be administered without regard to race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities.

(e) Prohibit any kind of harassment based on race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities.

2. Americans with Disabilities

The Town of Lexington will not discriminate against people with disabilities in any employment practices or in terms or conditions of employment, including, but not limited

to application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff, recall, termination, compensation, leaves or benefits.

More information on the Americans with Disabilities Act is contained in Administrative Directive #11, dated April 1, 2009.

D. PRE-EMPLOYMENT PROCEDURES

Hiring managers shall be mindful of the goal of fostering diversity during the hiring process.

E. GRIEVANCE PROCEDURE

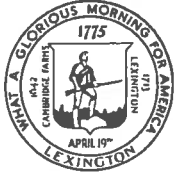
1. The purpose of this procedure is to encourage local resolution of grievances concerning employment. It is important to note that a grievant is not required to exhaust the Town's procedures prior to filing a state or federal complaint or taking court action. This procedure pertains specifically to this policy, and should be considered separate from those grievance procedures laid out in individual collective bargaining agreements.
2. Anyone who feels that he or she has been discriminated against by the Town of Lexington on the basis of race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities in employment practices may file a grievance.
3. The grievance should be in writing and should contain information about the alleged discrimination such as name, address, phone number of grievant and location, date and description of the problem. Reasonable accommodation, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities who are unable to submit a written complaint.
4. The grievant should first attempt to resolve the grievance at the level of the department manager. The department manager will notify the Human Resources Director if such a grievance is submitted.
5. If the grievance is not resolved to the satisfaction of the grievant, or if the department manager lacks authority or jurisdiction to correct the problem, the grievance should be submitted by the grievant and or his/her designee as soon as possible to:

Human Resources Director
1625 Massachusetts Avenue
Lexington, MA 02420

6. Within fifteen (15) business days after receipt of the grievance, the Human Resources Director will meet with the grievant to discuss the grievance and possible resolutions. Within fifteen (15) business days after the meeting, the Human Resources Director will respond to the grievant in writing, or, where appropriate, in a format accessible to the grievant such as audio tape. The response will explain the position of the Town of Lexington and may offer options for substantive resolution of the grievance.
7. If the response by the Human Resources Director does not satisfactorily resolve the issue, the grievant or his or her designee may appeal the decision of the Human Resources Director to the Assistant Town Manager by filing a written appeal within fifteen (15) days of receipt of the decision of the Human Resources Director.
8. Within fifteen (15) business days of receipt of the appeal, the Assistant Town Manager will meet with the grievant to discuss the grievance and possible resolutions. Within fifteen days after the meeting with the Assistant Town Manager, the Assistant Town Manager will respond in writing, or, where appropriate, in a format accessible to the grievant, with a final resolution of the grievance.
9. All grievances received by the Human Resources Director, appeals to the Assistant Town Manager, and responses from same, will be kept by the Town of Lexington for at least three (3) years. Such documents will remain confidential to the extent provided by law.
10. This grievance procedure is meant to be informal, and cannot be legally binding on either party. Any grievance or complaint involving existing or threatened civil or criminal litigation may not be addressed using this informal procedure.

F. RETALIATORY ACTION

No retaliatory action will be taken against those persons who file complaints of discrimination on the basis of race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities, or against individuals who cooperate in such investigations.



Town of Lexington Administrative Directive #2 Harassment and Sexual Harassment Policy

Created: 07/20/2007
Revised: 03/14/2014 and 4/26/2017
Replaces: Policy Dated 1999

Effective:
Approved by:

Carl F. Valente

Carl F. Valente, Town Manager

*This policy is applicable to all employees of the Town of Lexington.
For those employees covered by Collective Bargaining Agreements, the provisions of the CBA, which are subject to negotiation prevail over the language in this policy (i.e. discipline).
Any changes made to this policy that apply to sections that are subject to collective bargaining, will be sent to the appropriate union prior to implementation.*

I. Policy

A. Harassment and Sexual Harassment Prohibited

It is the goal of the Town of Lexington to promote a workplace that is free of discriminatory harassment ("harassment") of any type, including sexual harassment. Discriminatory harassment consists of any unwelcome conduct that is personally offensive, whether verbal or physical, that is based on a characteristic protected by law and which otherwise fails to respect the rights of others. All Town employees are responsible for insuring that the work place is free from all forms of harassment. This policy applies to all employees and officers of the Town. Supervisory and managerial employees must not condone acts of harassment by their subordinate employees, by other Town employees, by regular visitors to Town offices, or by employees of our vendors and contractors. Harassment of employees occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment, is unlawful and will not be tolerated. Retaliation against persons complaining about harassment or sexual harassment, or retaliation against individuals for cooperating with an investigation of a harassment complaint, is also unlawful and prohibited by this policy. Harassment in retaliation for formal or informal participation in filing an internal or external complaint of discrimination or otherwise raising a concern regarding discrimination will also not be tolerated.

B. Harassment Defined

1. Harassment in General. Harassment is unwelcome verbal or physical conduct, directed at an individual based upon age, race, color, national origin, sex, religious creed, sexual orientation, gender identity, genetic information, active military or veteran status, ancestry, handicap of a qualified handicap person (disability), marital status or participation in discrimination complaint-related activities which disrupts or interferes with another's work performance, or which creates an intimidating, offensive, or hostile environment.
2. Examples of Harassment. Harassment includes the use of insulting epithets, slurs, derogatory comments, or nicknames; the display of insulting or offensive objects, cartoons, pictures, slogans, demeaning gestures or symbols; intimidation through physical violence or threats of violence; and preferential treatment of certain employees based on membership in a particular class.

3. Sexual Harassment. In Massachusetts, the legal definition for sexual harassment is this:
“sexual harassment means sexual advances, requests for sexual favors, and verbal, or physical conduct of a sexual nature when:
- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
 - (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with the individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.”

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating or humiliating to any person may also constitute sexual harassment.

4. Examples of Sexual Harassment. Sexual harassment is a type of harassment, which refers to any unwelcome sexual attention, sexual advances, requests for sexual favors, and other unwelcome sexual verbal, visual, or physical conduct to which an individual may be subjected. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:
- Unwelcome sexual advances – whether they involve physical touching or not;
 - Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
 - Displaying sexually suggestive objects, pictures, cartoons;
 - Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
 - Inquiries into one's sexual experiences; and
 - Discussion of one's sexual activities.

C. Prevention of Harassment

Supervisors and co-workers can avoid harassing behavior by treating the workplace as a professional environment and by using common sense. If any employee or manager would not feel comfortable making or hearing a particular comment about a family member, a friend or any individual of their own race, national origin, religion, etc., the employee or manager should not make the comment in question to another person.

Prevention efforts include, but are not limited to: informing employees of this policy on an annual basis, training employees regularly, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of harassment without fear of reprisal. Because the Town of Lexington takes allegations of harassment seriously, the Town will respond promptly to complaints of harassment. Where it is determined that inappropriate conduct

has occurred, the Town will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

II. Persons Covered

This policy prohibits harassment by, or directed to, all employees (including but not limited to non-supervisory, supervisory, management and executive personnel), volunteers, applicants for employment, contractors for the Town, visitors and all others on Town property.

III. Procedure

A. Complaint

1. Any employee or other individual covered by this policy who believes that he or she has been subjected to harassment prohibited by this policy has a responsibility to report the harassment as soon as possible to one of the following Harassment Grievance Officers: Human Resources Director at (781) 698-4591 or Carl F. Valente, Town Manager at (781) 698-4545. If these individuals are the source of the harassment, or there are other compelling reasons that prevent bringing the problem to the attention of the Harassment Grievance Officers, then the employee may report the harassment to the Assistant Town Manager at (781) 698-4541. The Harassment Grievance Officers are also available to provide information about the Town's policy on harassment, as well as the complaint process.
2. A complaint may be made orally or in writing. The Town may require that an oral complaint be reduced to writing with the assistance of the Harassment Grievance Officer, or other person designated by the Town.
3. Any supervisor, manager or other employee who becomes aware of harassment prohibited by this policy must report it **immediately** to one of the Harassment Grievance Officers, or other person designated by the Town.

B. Investigation

1. All complaints of harassment will be investigated promptly and impartially by the Harassment Grievance Officer(s) or by another qualified individual selected by the Town Manager.
2. An individual conducting an investigation into a complaint of harassment will keep information confidential to the extent possible without compromising the investigation, and disseminate it on a "need to know" basis only. Others involved in the investigation in any capacity must also respect the privacy of those involved by keeping information learned during the course of the investigation confidential.
3. Ordinarily, as circumstances permit, the Town's investigation will include private interviews with appropriate individuals, such as the complainant, the employee alleged to have committed harassment, and with witnesses, if any.
4. As soon as practicable after the completion of the investigation, the official responsible for conducting the investigation will, to the extent appropriate, advise the employee who brought the harassment complaint and the employee accused of harassment of the results of the investigation.

5. If either employee is dissatisfied with the handling or result of the investigation, the employee should bring the matter immediately to the Town Manager, preferably in writing, stating the reasons for that dissatisfaction.

C. Corrective Action

In the event that allegations of harassment are substantiated after investigation, the Town will take prompt and effective action to ensure that the offending conduct has ceased and, if necessary under the circumstances, will implement affirmative measures to ensure that such conduct does not recur. Additionally, persons found to have engaged in harassment prohibited by this policy will be subject to disciplinary action up to and including discharge from employment. This policy shall not limit the authority of the Town to take disciplinary action against an employee who engages in inappropriate conduct, regardless of whether it satisfies the definition of harassment or sexual harassment under this policy.

D. Retaliation Prohibited

No one who brings a harassment complaint in good faith will be subject to any adverse employment action for doing so, regardless of whether the complaint is ultimately determined to have merit. Any employee, including supervisors and managers, who retaliate against an employee for making a complaint of harassment will be subject to disciplinary action, which may include termination of employment. Retaliation should be reported to the Harassment Grievance Officers using the procedure set forth in this policy for complaints of harassment.

Employees should be aware that knowingly making false accusations will be considered misconduct, and could subject the employee to civil suit by the target of the false accusations.

IV. State and Federal Remedies

In addition to the above, if you believe you have been subjected to harassment of any type, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of these agencies requires that claims be filed within 300 days from the alleged incident or of when the complainant became aware of the incident.

A. The United States Equal Employment Opportunity Commission ("EEOC")

One Congress Street, 10th Floor
Boston, MA 02114
(617) 565 -3200

B. The Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:
One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000

Springfield Office:
424 Dwight Street, Room 220
Springfield, MA 01103
(413) 739 – 2145

Employees are also encouraged to call the Town's Employee Assistance Program, KGA EAP, a confidential counseling service offered to employees and their immediate family members.

The contact information for the EAP is 1-800-648-9557 or info@kgreer.com. Brochures are also available in the Human Resources Department.



Town of Lexington Administrative Directive #9 Smoke-Free Workplace Policy

Created: October 2009
Revised: August 2012
Replaces: N/A

Effective: June 1, 2013

Approved by:

Carl F. Valente, Town Manager

*This policy is applicable to all town municipal employees of the Town of Lexington.
For those employees covered by Collective Bargaining Agreements, the provisions of the CBA, which are subject to negotiation,
prevail over the language in this policy (i.e. discipline).
Any changes made to this policy that apply to sections that are subject to collective bargaining, will be sent to the appropriate
union prior to implementation.*

I. **Purpose**

The purpose of this policy is to ensure that the Town of Lexington remains in compliance with Massachusetts General Law, Chapter 270 and the regulations promulgated by the Lexington Board of Health governing smoking in the workplace and around municipal buildings, municipal vehicles, workspaces, or worksites.

II. **Definitions**

Municipal Building: any building owned, leased, or operated by the Town and used for municipal purposes.

Municipal Vehicle: any vehicle owned, leased, or operated by the Town.

Workplace: any indoor area, structure or facility or portion thereof, at which one (1) or more Town municipal employees perform a service for compensation for the Town and any outdoor area within fifteen (15) feet of all municipal buildings and municipal vehicles.

Workspace: any enclosed indoor and adjacent outdoor area, structure, or facility occupied by a municipal employee during the course of his or her employment, including, but not limited to, offices, common areas, patios, walkways, decks, loading docks, and construction sites.

Worksite: any outdoor area greater than 15 feet from all municipal buildings and municipal vehicles, where one (1) or more town municipal employees are actively engaged in performing a service for compensation for the Town. Worksites include, but are not limited to, utility trenches, road work/right-of-way construction sites, and private construction or inspection sites.

III. **Policy**

It shall be unlawful for any Town municipal employee to smoke in any municipal building, municipal vehicle, workplace, workspace or, worksite. In addition, it is unlawful for any Town municipal employee to smoke on any school property, including indoors and outdoors.

IV. **Persons Covered**

All Town municipal employees are required to comply with the Smoke-Free Workplace Policy.

V. **State and Federal Regulations**

Massachusetts General Law, Chapter 270, *Smoke-Free Workplace Law* states that there is no smoking allowed in any municipal buildings and municipal vehicles. According to Massachusetts General Law, Chapter 71, *Education Reform Act*, the entire school property is to be smoke free for students, faculty and staff at all times. There are no allowable designated smoking areas on school property for anyone. Smoking is also not allowed by any group, including parents or guardians picking up their youth. In addition, Town of Lexington Regulation, Article III Smoking and Tobacco Products includes a "smoke free buffer zone" of 15 feet around municipal buildings.

VI. Procedure

- a. Employees who violate the municipal building, municipal vehicle, workplace, workspace, worksite, or municipal buffer zone smoking prohibition shall be reported to that employee's immediate supervisor. Discipline will follow standard operating discipline procedures established by Human Resources or, if applicable, as established per the applicable CBA provisions.
- b. Furthermore, employees and non employees who violate the Smoke-Free Workplace Policy may be fined in accordance with the Town of Lexington Smoking and Tobacco Products regulation. A complaint may be filed by calling the Lexington Board of Health at 781-862-0500 ext. 237 or the Massachusetts Department of Public Health at 800-992-1895. Complaint forms may also be found at www.mass.gov/dph/mtcp.

VII. Smoking Cessation Opportunities

Employees are also encouraged to call the Town's Employee Assistance Program, KGA Associates EAP, a confidential counseling service offered to employees and their immediate family members.

The contact information for the EAP is available on the Intranet. Brochures are also available in the Human Resources Department. Employees can also contact State's Try to Stop help line at 1-800-Try-to-STOP (1-800-879-8678) or www.trytostop.org.



Town of Lexington

Administrative Directive # 11

Municipal Grievance Procedure

American with Disabilities Act

Created: 3/2009

Effective: 4/1/09

Approved By:

Carl F. Valente, Town Manager

1.0 Purpose:

The following grievance procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs and benefits provided by the Town of Lexington.

2.0 Process:

The Complaint shall be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities who are unable to submit a written complaint.

3.0 Timeframe:

- 3.1 The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:
- 3.2 ADA Coordinator – Linda Crew Vine 1625 Massachusetts Avenue, Lexington, Ma. 02420 or 781 862-0500, ext. 243, e-mail: lvine@ci.lexington.ma.us
- 3.3 The following timeline may be extended by mutual agreement of the grievant and the ADA Coordinator or Town Manager.
- 3.4 Within 15 calendar days after receipt of the complaint the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the ADA Coordinator will respond in writing, and where appropriate in a format accessible to the complainant such as audiotape. The response will explain the position of the Town of Lexington and offer options for substantive resolution of the complaint.
- 3.5 In the event the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and /or his/her designee may appeal the decision of the ADA Coordinator or within 15 calendar days after receipt of the response to the Town Manager.
- 3.6 All complaints received by the ADA Coordinator, appeals to the Town Manager and responses from the ADA Coordinator and Town Manager will be kept by the Town of Lexington for at least three years.

4.0 Distribution:

All Departments, Board, and Committees



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Created: 08/2007
Revised: 03/2019
Replaces: 09/2009

Effective: 5-23-19

Approved by:


James Malloy, Town Manager

For those employees covered by Collective Bargaining Agreements ("CBAs"), the provisions of the applicable CBA, prevail over the language in this policy. Any changes made to this policy that apply to sections that are subject to collective bargaining, will be sent to the appropriate union prior to implementation.

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A. Purpose

The Town of Lexington ("Town") provides technology in order to serve the public more efficiently and effectively. This policy is intended to provide rules and guidelines concerning the appropriate use of the Town's technology infrastructure and resources



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Technology Use Policy

("Technical Property")(defined below at section C3). . The Town's Technical Property is made available to users to facilitate the timely and efficient conduct of business. Such systems are intended for Town business use only. This policy addresses appropriate use of Town technology, as well as access, use, retention and disclosure of email messages and Internet material created, sent or received by users on the Town's systems. The Town of Lexington intends to honor the policies set forth below, but reserves the right to change them at any time.

B. Applicability

This policy applies to every employee, board member (elected or appointed), contractor, vendor, or remote user who is provided access to the Town's Technical Property. Any person using the Town's Technical Property shall be considered a user ("user") for purposes of this policy. It is the responsibility of any person using the Town's technology to read, understand and follow this policy. In addition, users are expected to exercise reasonable judgment in interpreting this policy and in making decisions about the use of information technology resources. Any unauthorized, deliberate action, which damages or disrupts a computing system, alters its normal performance, or causes it to malfunction, is a violation, regardless of the system location or time duration. This policy shall be read and interpreted in conjunction with all other Town policies and procedures.

The Information Technology (IT) Department shall manage the Town Technical Property and shall make every effort to ensure the aforementioned property is compliant with current policy and applicable regulations.

C. Policy Statements

1. Acceptable Use of Town Property

Town technology is provided for purposes of conducting Town business. All official Town-related communication must remain professional in nature and always be conducted in accordance with the Town's communications policy, practices and expectations.

The term "technology" covers a wide range of processes used for communicating and managing information within our society. Computers form one element of this broad term, but it also includes the Town's network, data, technical hardware and software. For purposes of this policy, the Town's technology ("Technical Property") includes but is not limited to servers, computers, telephones, mobile technology (e.g. laptops, cell phones, smartphones, tablets), fax machines, scanners, printers, copiers, projectors, digital cameras, email, other communication technologies (messaging, chatting), data and files, Town and Town related accounts (e.g. vendor accounts, 3rd



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party site accounts such as file exchange services, video conference portals or SaaS (software as a service)), software, removable media, peripheral technology, IOT (internet of things) devices, network equipment and networks (including internet access and wireless). Inclusion is regardless of type, media or location (e.g. cloud).

Abuse of these resources could result in loss of privileges and/or disciplinary action. While incidental personal use, such as use of personal email and web browsing, is not prohibited, any personal use of the system must be at a level that does not interfere in any way with the system's ability to serve its intended official purpose, and must not interfere with the user's work performance. Additionally, users' personal accounts must remain personal in nature and only be used to share personal opinions or non-work-related information. A user's personal account(s) should never be used in conjunction with Town accounts or to conduct Town business. Any personal use of Town Technical Property must be compliant with this policy and all other Town policies.

2. Prohibited Uses of Town Property

This policy sets forth the categories and examples of prohibited uses of the Town's Technical Property, but does not attempt to identify all required or prohibited activities by users. Questions regarding whether a particular activity or use is acceptable should be directed to a supervisor, Network or Systems Administrator and/or Human Resources. Unless such use is reasonably related to a user's job and with their manager's explicit approval, the following technology and computer related activities are among those uses which are prohibited:

a) Offensive, Criminal or Harassing Use.

1. Town Technical Property is not to be used to create, view, store, or communicate any offensive or disruptive messages or media. Offensive materials include messages, media or material that contain sexual references or implications, racial or ethnic slurs, or other comments that offensively address someone's age, sex, sexual orientation, religion, national origin, ancestry, disability or any other factor prohibited by law.
2. Town Technical Property must not be used to communicate improper or inappropriate messages including messages that are harassing, defamatory, derogatory, obscene or otherwise inappropriate.
3. Town Technical Property must not be used to commit any crime. Users of the Town's Technical Property are responsible for respecting and adhering to local, state, federal and international laws. Any attempt to break those



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laws may result in litigation against the offender by the proper authorities and where appropriate, disciplinary action.

- b) **Unlawful Access.** Users must not attempt to gain unlawful or unauthorized access to accounts, information, data, computers, networks, servers, or any other hardware or software that they do not have authorized access to. This prohibition includes decryption of system or user passwords and unauthorized copying of system files.
- c) **Data or File Corruption.** Users must not delete or alter data, files or contents of files for which they are not directly responsible unless they are explicitly authorized to make such changes. Users must maintain and protect data and files according to Town policies and all applicable regulations. Purposeful or unlawful destruction, corruption, encryption, or alteration of information is strictly prohibited.
- d) **Sexually Explicit Sites.** Town Technical Property must not be used to visit sexually explicit or otherwise offensive or inappropriate sites, or to send, display, download, store, create, or print offensive material, pornographic, obscene, or sexually explicit pictures or any other related materials.
- e) **Gambling Sites and Applications.** Town Technical Property must not be used for on-line or off-line gambling.
- f) **Solicitation.** Town Technical Property must not be used to solicit or proselytize for outside, personal or commercial ventures, private business activities, religious or political causes, outside organizations, unauthorized fundraising or other solicitations that are not job-related or to assist others in doing so. Notices of users' personal fundraising activities may be allowed on the Town Intranet, with a disclaimer regarding Town responsibility and subject to review and approval from the Town Manager's Office.
- g) **Spam or Junk Mail.** Users must not engage in "spam" activities, including purposes prohibited in items above.
- h) **Viruses.** Employees must not use the Town's computer, email or Internet systems to develop or knowingly send any virus, spyware, adware or otherwise destructive program. Users are expected to follow Town cybersecurity recommendations.
- i) **Confidential Information.** Town technology must not be used to handle confidential or sensitive information without appropriate security measures. Any confidential or sensitive information that requires transfer to authorized recipients must be authorized by management and must be encrypted and transported according to all applicable regulations.



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- j) **Personal Equipment.** For security reasons, no personal technological devices may be connected to Town Technical Property without the explicit prior approval from IT such as connecting personal hard drives, USB devices, personal mobile technology or wireless hotspots.

Notwithstanding this rule, employees may connect personal technological devices to the Town's public WiFi and other publicly-accessible Town technology in the same manner as non-employees.

Although not encouraged, to the extent a user uses his/her personal device to create Town records, those records must be transferred to the Town network/system as soon as possible. Employees who use their own personal technology device(s) to conduct Town business must provide the Town with access to these records and/or device(s) should the need arise.

3. Privacy

Users should not expect any right of privacy in their use of Town technology, including electronic communications or other information stored, accessed, browsed, deleted, received or created on the Town's Technical Property. This includes, but is not limited to, any and all documents and communications, Internet website history, text messages, telephone call history, and voicemail. This is true even when users use a password or other private access code. All aspects of the Town's Technology usage by a user is subject to monitoring and review (see below). In addition, said information may be subject to audit checks, security assessments, and forensic examinations.

- a) **Town Right to Monitor and User Liability.** The Town of Lexington reserves and intends to exercise the right to review, audit, intercept, record, access and/or disclose any information, data or activity involved with Town Technical Property. Users should be aware that authorized employees may monitor network traffic or access user files. This includes, but is not limited to, messages or material, including attachments created, received or sent, web sites visited and/or files downloaded, telephone messages and usage. In order to ensure the continuity of safe operations of its systems and policy adherence, the Town may employ intercept, capture, and/or detection programs that search for patterns of abuse, security risks, illegal activity, and any other violation of law or Town policies.
- b) **Confidentiality.** Notwithstanding the Town of Lexington's right to monitor, retrieve and read any email or Internet message, electronic data, file or material, confidential messages or material should be treated as such by users and only accessed by the intended recipient. Users are responsible for labeling electronic messages or data as confidential where applicable. Users are



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responsible for maintaining the confidentiality of material on the systems to which they have access and for which they are responsible. Certain departments may have additional confidentiality obligations regarding records, for which additional policies will be implemented. Without prior authorization from a direct supervisor, users are not permitted to retrieve or read email messages that are not sent to them; with prior management authorization, the contents of such email, data, files, Internet or voicemail messages or materials may, however, be disclosed as authorized by the Town or State.

4. Procurement and Installations

Procurement of Town Technical Property and training for the use of such technology shall be approved by the Information Technology (IT) Department and must conform to current IT Department and Town specifications and policies. Software that is not purchased/licensed by the Town is considered unauthorized. Note that current specifications are dynamically changing to conform to regulations, existing infrastructure, and Town policies and initiatives.

Installation of any technology (service, software or hardware) on Town property without prior authorization from IT is strictly prohibited. All installations must receive prior approval from IT.

5. Records Management/Public Records Law (Email, Data and Files)

Email, data, and files must be maintained and managed by the user to reduce cost of storage and to comply with all regulations. Email, data, and files that are the property of the Town must be maintained as a part of the office records holdings and are subject to the same records management principles as all other records of the Town. Records retention schedules issued by the Supervisor of Public Records for local governments must be implemented and adhered to for all files, data, email and media. Management of records must be based upon the content and function of the records. Email and electronic file archiving may be employed by the Town to assist in records management. Users shall familiarize themselves with the Public Record Law and comply with all record retention requirements.

Users should be mindful that documents and communications created or stored on Town Technical Property may be subject to disclosure upon request under the Massachusetts Public Records Law.

6. Security and Passwords

For security purposes, users must secure all Town Technical Property as per the Computer Password Policy (Administrative Directive #31).

7. Town Right to Control Use and Access



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The Town may, at any time, terminate or limit a user's access to any of the Town's technology and/or resources with or without prior notice or cause. Links to Internet sites may be removed, blocked, filtered or monitored by the IT Department without notice. The Town of Lexington has access to systems that can identify sexually explicit or otherwise inappropriate Internet sites and may prevent users from accessing such sites through the Town's system. The Town may block all Internet access by individuals or systems as deemed necessary.

8. Computer Support

Although centralized standards and procedures govern the use of Town Technical Property, support for everyday use may be decentralized. Designated employees in each department shall manage computer operations cooperatively with the IT staff and assist IT staff as necessary to maintain systems within their department. Department computer managers will assist departmental users with technology questions within their abilities and serve as the point of contact for IT to disseminate information.

D. Policy Categories

1. Computer and Technical Hardware and Software

a) User Responsibility

All users of Town technology will make every effort to assist in maintaining a secure and operational technical infrastructure. This includes signing off from computer user accounts to prevent unauthorized access when the user is not using the resource.

Town employees may transport Town equipment in a personal vehicle if reasonably necessary to conduct Town business, and so long as employees use reasonable care and report any problems as described below, the Town will release them and hold them harmless from any loss, damage, or theft of any equipment resulting from the transportation of equipment in a personal vehicle when reasonably necessary to conduct Town business.

All users will report problems with technology or violations of policy as soon as possible, including any loss, damage, or theft of any equipment.

b) Downloading

Files from all outside sources, including the Internet, must be scanned with installed anti-virus software prior to opening or use. Executable programs or files may not be downloaded, nor imported from any media (magnetic,



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optical, electronic or otherwise), without prior IT authorization. The Town requires that programs or files downloaded from the Internet be work -related, except for incidental personal use. Software piracy, copyright infringement, or downloading and transferring of software, which the user has not properly licensed, is prohibited.

c) File Storage and Retrieval

Each department will maintain and organize their departmental files on their shared Department drive (commonly the G drive) according to departmental standards and structure and implement policies for use of the drive among Department staff. Computerized information must be easily identifiable and retrievable by any authorized individual.

To ensure the Town retains files in accordance with the Commonwealth's Public Records Law, no data or files may be stored on the desktop computers (commonly the C drive or Documents folder) or peripherals.

Confidential information must be stored on secured storage devices.

Users will refrain from duplicating data and files, except where necessary, so as to conserve the limited storage space on servers.

2. Email and Network Use

a) Email Accounts

Town email accounts are to be used by the assigned user only and are not to be shared. Notwithstanding this rule, Town staff may give administrative staff within their department permission to monitor incoming emails and reply on the staff member's behalf.

Special group email accounts, defined as special accounts that do not include the name of an individual, but may be a function or department such as it@lexingtonma.gov, may be shared. Users are only authorized to transmit emails which are consistent with Town policies. Town email addresses are not to be used to subscribe to non-work related mailing lists, sites or services. Town email address and property are not to be used to distribute material prohibited by Town policy.

b) Acceptable Uses

Acceptable uses for email will include, but not be limited to, the following:

- Communications with the general public regarding Town business.



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- Communications with professional associations, other governments, universities, businesses and/or individuals regarding Town business, research and education efforts.
- Communications among Town users and professional colleagues that further Town business, research and education efforts.
- Other uses in furtherance of Town business, research and education efforts.

c) Signature Line

All users must establish an automatic email signature line, through their software settings, that prominently states the user's name, title and department, and relevant contact information at the bottom of every email message.

3. Remote Access Off-Site Device Use

a) Remote Access

To the extent any user is permitted by the Town to utilize Technical Property through remote access, terminals or connectivity provided by the Town, such person's remote use shall conform to the terms of this policy and IT specifications. A Town user may access a Town account from a remote location other than the site designated for that account (such as telecommuting, accessing Town internal resources or checking email while away from the office on business) only with prior management authorization and instructions from the IT Department.

All remote access must also comply with all user employment contracts, rules and regulations.

b) Taking Town Devices Technical Property Off-Site

Town users must not remove from Town premises or Town Technical Property any hardware, software, media, files or data without prior explicit authorization from the Town Manager or his/her designee.

Authorized Town users may take designated devices (such as laptop computers) off-site or home, for an approved period of time, provided the device is used for Town work or Town-approved course work. To receive authorization, users must also certify that they will not allow a non-Town user to operate the device, or lend it to anyone not employed by the Town.

E. Policy Acceptance and Penalties



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1. Acceptance of Policy

Use of the Town's Technical Property constitutes acceptance of this policy, including expressed consent to Town monitoring thereof. It is the policy of the Town of Lexington that all users of the Town's systems will indicate their agreement and acceptance of this policy by signing an acknowledgement. This signoff is documented in the users' electronic files or users' employee files.

2. Relation to Other Policies

This policy is intended to be consistent with other Town of Lexington policies, including the Town's Harassment Policy, Social Media, Password, Municipal Wireless Telephone Usage and other policies, including but not limited to those of other units or departments of the Town. All users are to use the Town's Technical Property, including email, Internet and other systems, in a manner that is consistent with these policies.

3. Enforcement and Disciplinary Action

Department heads, in conjunction with the Town Manager's Office, will evaluate violations of this policy on a case-by-case basis. A violation of this policy or any attempt to bypass or to circumvent this policy may result in the suspension or permanent loss of the privilege to use the Town's Technical Property, and may subject the user to disciplinary action, up to and including discharge from employment. Users shall be personally liable for any losses, costs or damages incurred by the Town related to willful violations of this policy.

Violations of this policy may result in referral of a case to the appropriate authorities for civil or criminal prosecution as appropriate. Any or all technology privileges (e.g. hardware, software, network, etc.) may be revoked during any investigation of potential policy violations.

The Town prohibits taking adverse action against any user for reporting a possible violation of this policy or for cooperating in an investigation. Any user who retaliates against another for reporting a possible violation of this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including discharge.

4. Contact Person

Users who need help understanding this policy, who would like copies of or an explanation of this or other policies or guidance referred to herein, or who discover a violation of this policy should contact their immediate supervisor and notify the IT Director or CIO.



Town of Lexington Administrative Directive #12

Technology Use Policy

F. Exceptions

This policy does not govern employees' use of personal devices and accounts in connection with publicly-accessible Town technical property, such as Town WiFi. Note that the use of publicly-accessible Town technical property may be subject to other restrictions.

Other exceptions may be established on a case-by-case basis due to Town job function (i.e., exception for legitimate business reason). All exceptions must be authorized and documented by the Town Manager or his/her designee.



Town of Lexington Administrative Directive #16 Employee Gift Policy

Created: December 13, 2011

Revised: N/A

Replaces: N/A

Effective: January 9, 2012

Approved by:

Carl F. Valente

Carl F. Valente, Town Manager

**This policy is applicable to all municipal employees of the Town of Lexington. To the extent of any inconsistency between this Administrative Directive and the State Ethics Act, the Ethics Act prevails.*

For those employees covered by Collective Bargaining Agreements, the provisions of the CBA, which are subject to negotiation, prevail over the language in this policy (i.e. discipline).

Any changes made to this policy that apply to sections that are subject to collective bargaining, will be sent to the appropriate union prior to implementation.

Section I: PURPOSE

The purpose of this administrative directive is to outline the Town of Lexington's policy regarding the receipt of gifts, and to provide guidance on how to respond to the offer or receipt of gifts. As municipal employees, it is important to remain fair and impartial in our relationships with Town residents and anyone with whom we have official dealings. The receipt of gifts, regardless of the intent, has the potential to raise questions concerning the appearance of fairness and impartiality of employees.

Every municipal employee must adhere to the provisions set forth by Chapter 268A of the Massachusetts General Laws, also referred to as the Ethics Act. In addition, employees must follow the provisions of this administrative directive.

Section II: DEFINITIONS

1. Gift: "Gift" is defined by the State Ethics Commission as "anything of value that is given without something of equivalent fair market value being given in return." Gifts may include, but are not limited to: tickets to events, including sports, food and beverages, travel expenses, conference fees, gifts of appreciation, donations to a charity or non-profit organization in your name, entertainment expenses, use of vacation homes and complimentary tickets to charitable events.

Gifts are divided into two categories based on their cumulative value within any 365 day period:

- a. De minimis gifts: Within a 365 day period, the value of all gifts received by an employee from a single gift-giver, or an organized group of persons with a common interest, that is less than a total of \$50.
- b. Prohibited gifts: Gifts to the employee or to an immediate family member of the employee that exceed the \$50 threshold within any 365 day period, unless the gifts are entirely unrelated to the employee's official position or his or her Official

Acts of Official Dealings, such as personal gifts from family and friends. In addition, any gift, regardless of the value, that a reasonable person, having knowledge of the relevant circumstances, would conclude that the public employee could unduly favor the giver or be influenced by the giver when performing Official Dealings or Official Acts, unless a written public disclosure is filed with the employee's appointing authority.

2. **Official Dealings:** Transactions where a person or entity currently or prospectively provides goods and services to the Town of Lexington, including by written and verbal contracts, or a person or entity is subject to regulatory oversight by an employee or his or her department.
3. **Official Acts:** Any decision or action taken in one's capacity as a public employee in a particular matter or in the enactment of legislation. Examples of Official Acts include, but are not limited to: voting on a matter before a governmental body, preparing a Request for Proposals (RFP) for a public agency, serving on a hiring committee or making a policy recommendation to one's supervisor.

Section III: PROHIBITED GIFTS POLICY

The following rules apply to the receipt of gifts:

1. Employees may not ask for nor accept any gift (regardless of the value), if it is offered in exchange for the employee, or his or her department, agreeing to perform or not perform an Official Act.
2. Employees may not ask for or accept prohibited gifts from anyone with respect to whom the employee, or his or her department, has Official Dealings or performs Official Acts.
3. Employees may not use their official position to obtain unwarranted privileges, or any type of special treatment, from anyone with whom they or their department have Official Dealings.

If a gift is offered, please refer to Section V, Procedures for an offered gift

Section IV: EXEMPTIONS

The State Ethics Commission has established regulations (930 CMR 5.00) under the Ethics Act (Chapter 268A of the Massachusetts General Laws), including exemptions from the gift prohibitions of the Ethics Act. Each exemption has specific requirements and limitations.

Please refer to Attachment E, regulations 930 CMR 5.00 – 5.12, to review specific exemptions and determine whether acceptance of a gift will violate the Ethics Act.

Section V: PROCEDURES FOR AN OFFERED GIFT

If an employee is offered or receives a de minimus gift, the following actions shall be taken:

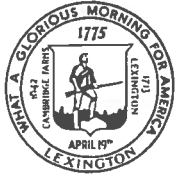
1. Report to Supervisor (Attachment C) and review Chapter 268A of the Massachusetts General Law (Sections 2, 3, 23(b)(2), and (b)(3), and 26 and 930 CMR 5.00).
2. If the gift is deemed to be prohibited, the gift should be returned to the gift giver, when practical; or
3. The gift can be donated to a non-profit charitable organization. The donation cannot be taken as a tax write-off on personal income tax statements.
4. If the value of the gift cannot be reasonably determined, or options 2 and 3 are not practical, the employee should contact the Town Manager's Office for additional guidance.
5. If the gift is deemed to be prohibited, a letter shall be sent to the gift giver explaining the Town's policy and what was done with the gift (see Attachment A for template). The letter shall be adapted for the situation being addressed, and will be printed on the Town's letterhead. A copy of this letter will be placed in the employee's personnel record.

Section VI: VIOLATION OF THIS POLICY

The acceptance of prohibited gifts may lead to penalties for both the recipient and the gift giver. Violation of any portion of this policy may result in the appropriate actions taken by both the Town Manager's Office as well as the State Ethics Commission.

Section VII: QUESTIONS OR CLARIFICATION

For any questions regarding situations which may or may not violate this policy, please contact the Town Manager's Office.



Town of Lexington Administrative Directive #22 Weapons Policy

Created: 4/14/2017

Revised: N/A

Replaces: N/A

Effective:

Approved by:

Carl F. Valente
Town Manager

*This policy is applicable to all employees of the Town of Lexington.
For those employees covered by Collective Bargaining Agreements, the provisions of the CBA,
which are subject to negotiation prevail over the language in this policy (i.e. discipline).
Any changes made to this policy that apply to sections that are subject to collective bargaining,
will be sent to the appropriate union prior to implementation.*

*For sworn police officers, special police officers, and the Animal Control Officer, police
department policies, procedures and guidelines supersede this policy.*

A. POLICY

The Town of Lexington is committed to providing a safe work environment for its employees. This policy is being implemented, effective immediately, in furtherance of that commitment. This policy shall therefore prohibit Town employees from carrying, possessing, or using firearms and other dangerous weapons (as defined in Section B, Part 2) during working hours, or while in the course of employment, except as expressly permitted by this policy.

B. DEFINITIONS

1. For the purposes of this policy, a "firearm" shall mean any handgun, rifle, shotgun, smoothbore, or other similar device, including paintball guns, antique weapons, BB and/or pellet handguns or rifles, whether loaded or unloaded, from which a shot, bullet, pellet, or other projectile can be discharged by any means.
2. The term "dangerous weapons" shall include those instruments identified under Massachusetts General Laws Chapter 269, Section 10b, as may be amended from time to time (see Attachment A).
3. For the purposes of this policy, "employees" shall include persons employed with the Town of Lexington, on a full, regular, part-time, or intermittent basis.
4. "Possession" shall include possession, carrying, storage or use of firearms or other dangerous weapons, as herein defined, upon Town property or in a Town vehicle, or a

private vehicle if used in the course of employment duties, exclusive of use for commuting purposes.

C. PROHIBITED CONDUCT

1. No Town employee shall carry, possess, or use during working hours or while in the course of employment, a firearm or other dangerous weapon as herein defined, except as specifically outlined below under "Exemptions."
2. The prohibitions of this policy apply whether or not the employee possesses a license to carry firearms, firearm identification card, or similar permits or licenses.

D. EXEMPTIONS

1. Even when a non-police officer employee is duly licensed in Massachusetts to carry firearms, only the Town Manager, with concurrence of the Police Chief, may specifically authorize said employee to carry, possess, or use during working hours or while in the course of employment, a firearm as herein defined.
2. The Town Manager will only authorize an employee to carry, possess, or use during working hours or while in the course of employment, a firearm, as herein defined if, in the Town Manager's sole discretion, he or she believes that doing so is necessary for the employee to perform the functions of the employee's position with the Town.
3. This policy is not intended to prohibit the possession of equipment or tools necessary for employees to perform the essential job functions of their position, as determined by their Department head.

E. PROCEDURE FOR REPORTING VIOLATIONS

1. All employees share in the responsibility and reap the benefits of fostering a safe workplace. Therefore, any employee who believes that this policy may have been violated is encouraged to report that belief to his/her department head or the department head's designee immediately.
2. Any manager who receives a report of, or personally observes a possible policy violation must immediately contact the Director of Human Resources or Assistant Town Manager.
3. The Human Resources Department will assess and investigate the incident and recommend appropriate action to the Town Manager.

Employees are reminded that lockers at work, even locked with a personal lock, remain Town property and may be searched without notice.

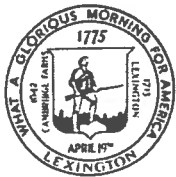
F. SANCTIONS

An employee who violates this policy may be subject to discipline, up to and including termination.

The Town Manager reserves the right to amend, revoke, suspend, terminate, or alter any or all parts of this policy at any time without prior notice. Employees are advised that certain violations of this policy may also constitute a violation of state or federal law.

Attachment A
Massachusetts General Laws – Chapter 269, Section 10b

(b) Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, any stiletto, dagger or a device or case which enables a knife with a locking blade to be drawn at a locked position, any ballistic knife, or any knife with a detachable blade capable of being propelled by any mechanism, dirk knife, any knife having a double-edged blade, or a switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one-half inches, or a slung shot, blowgun, blackjack, metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, nunchaku, zoobow, also known as klackers or kung fu sticks, or any similar weapon consisting of two sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather, a shuriken or any similar pointed starlike object intended to injure a person when thrown, or any armband, made with leather which has metallic spikes, points or studs or any similar device made from any other substance or a cestus or similar material weighted with metal or other substance and worn on the hand, or a manrikigusari or similar length of chain having weighted ends; or whoever, when arrested upon a warrant for an alleged crime, or when arrested while committing a breach or disturbance of the public peace, is armed with or has on his person, or has on his person or under his control in a vehicle, a billy or other dangerous weapon other than those herein mentioned and those mentioned in paragraph (a), shall be punished by imprisonment for not less than two and one-half years nor more than five years in the state prison, or for not less than six months nor more than two and one-half years in a jail or house of correction, except that, if the court finds that the defendant has not been previously convicted of a felony, he may be punished by a fine of not more than fifty dollars or by imprisonment for not more than two and one-half years in a jail or house of correction.



Town of Lexington

Administrative Directive #24

Workplace Violence Prevention Policy and Procedures

Created: 4/14/2017

Revised: N/A

Replaces: N/A

Effective: 4/14/2017

Approved by:

Carl F. Valente, Town Manager

** This policy is applicable to all municipal employees of the Town of Lexington.
For those employees covered by Collective Bargaining Agreements, the provisions of the CBA,
which are subject to negotiation, prevail over the language in this policy (i.e. discipline).
Any changes made to this policy that apply to sections subject to collective bargaining will be
sent to the appropriate union prior to implementation.*

A. PURPOSE

The purpose of this policy is to establish a Town standard that will encourage and foster a safe work environment to reduce the potential for violence in and around the workplace; to mitigate the negative consequences for employees who experience or encounter violence in their work lives; and to ensure that appropriate resources are available to employees who may be victims of workplace violence, or who may be perpetrators of workplace violence.

B. APPLICABILITY

All municipal employees are subject to the provisions of this policy. Members of the Police and Fire Departments may be subject to additional policies, rules or regulations promulgated by the Chiefs of Police and Fire.

C. POLICY

1. It is the policy of the Town of Lexington to promote a safe environment for its employees. The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.
2. Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reported incidents will be taken seriously, and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements, non-verbal gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to criminal prosecution; employees may also be subject to disciplinary action, up to and including termination from Town service.

3. The Town needs the cooperation of all employees to implement this policy effectively and to maintain a safe working environment. Employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. Employees who observe or experience such behavior by anyone on Town property should report the incident immediately to your supervisor, whether or not the alleged offender is a Town employee. Supervisors and department managers who receive such reports should contact the Human Resources Director immediately for response. Threats or assaults that are of an emergency nature and require immediate attention should first be reported to the Police Department via 911.
4. The Town of Lexington is committed to providing a safe environment for working and conducting business, insofar as is reasonably possible given available resources. The Town will not tolerate acts of violence committed by or against Town employees or members of the public on Town property, or during the performance of Town business, regardless of location.
5. For the purposes of this policy, the word violence shall mean an act or behavior that includes, but is not limited to, the following characteristics:
 - is physically injurious or abusive;
 - a reasonable person would perceive as obsessively directed (e.g. an intensely focused grudge, grievance, or romantic interest in another person) and reasonably likely to result in harm or threats of harm to persons or property;
 - consists of a communicated or reasonably perceived threat to harm another individual or in any other way endanger the safety of the individual;
 - would be interpreted by a reasonable person as carrying potential for physical and/or psychological harm to the individual;
 - is a behavior or action that a reasonable person would perceive as menacing;
 - involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
 - consists of a communicated or reasonably perceived threat to destroy property.
6. Violent actions on Town property or facilities, or while on Town business, will not be tolerated or ignored. Any unlawful violent or non-violent actions committed by employees, or members of the public on Town property, or while using Town facilities, will be subject to prosecution, as appropriate. The Town intends to use all reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.
7. Possession or use by employees of firearms or other weapons as defined by Administrative Directive #22, Weapons Policy, which may be considered dangerous and/or are designed to cause death or serious bodily injury, are prohibited on Town property, in Town vehicles, or in any personal vehicle which is used for Town business, or during business hours, except for those employees who are engaged in official military or law enforcement activities. Possession or use of a firearm is prohibited whether or not the employee is licensed to carry a firearm, or has a Firearm Identification Card (FID). See Administrative Directive #22, Weapons Policy, for further information.

D. PROCEDURES

All reports of violence will be evaluated immediately, and appropriate action will be taken, where possible, in order to help protect the employee(s) from further violence. Appropriate disciplinary action will be taken when it is determined that Town of Lexington employees have committed threats or acts of violence in violation of this policy.

1. Administrative

Insofar as is reasonably possible, the Town Manager/designee shall be responsible for:

- responding promptly and appropriately to any act of violence in the workplace;
- ensuring accountability among employees for acts of violence committed in the workplace;
- ensuring the effective investigation of violence occurring in the workplace;
- imposing or recommending disciplinary action for employees who are perpetrators of threats or acts of violence when the behavior involves the use of Town work time or property;
- cooperating with the Police Department to coordinate the Town's response to serious incidents;
- communicating this policy and program to department managers, supervisors, employees, boards and committees;
- providing referral, guidance, and support to employees who are victims of workplace violence;
- providing managers and supervisors with guidance, direction and support in matters of intervention and response to workplace violence issues; and
- providing training for managers and supervisors relating to workplace violence issues.

2. Employee Assistance Program

The Town's Employee Assistance Program (EAP) will respond to confidential calls of witnessed reports of threats, threatening behavior or acts of violence in the workplace; provide emotional support, short-term counseling; assist victims with developing a personal safety plan in the event of violence at work; provide training for department managers and supervisors; and refer victims or perpetrators of workplace violence to available resources.

Victims of workplace or domestic violence are encouraged to contact the EAP at 800-648-9557 or 508-879-2093. Additional information regarding the EAP may be found at www.kgreer.com. Services provided by the EAP are confidential unless you agree to allow the EAP provider to notify the Town. Exceptions may apply in cases of workplace violence issues where the Town has conducted an investigation.

3. Department Managers and Supervisors

Department managers and supervisors are responsible for: receiving reports of incidents of workplace violence; assessing situations; making judgments as to appropriate responses; responding to reports of workplace violence; and initiating the investigation process.

E. THREAT MANAGEMENT PLAN

For the purposes of this policy and program, the Town's Safety and Emergency Response Guidelines for Municipal Buildings and Properties and existing evacuation plan for fires, bomb scares, or other emergency events will be considered the Threat Management Plan/Evacuation Plan. The Police or Fire Departments will coordinate response to such emergency events, as appropriate.

F. INCIDENT RESPONSE PLAN

1. When the Incident Occurs

- a) If a department manager or employee believes that an individual's physical well-being is threatened, and the situation is of an emergency nature, he or she should call 911 immediately. Refer to the 'Town of Lexington Safety and Emergency Response Guidelines for Municipal Buildings and Property' for guidance on responding to specific emergency events.
- b) If the incident does not rise to the level of emergency, the employee should contact his or her immediate supervisor/department manager. If the supervisor/department manager believes that a crime may have been committed, he or she should contact the Police Department. The Town Manager/designee will contact the Police Department for assessment, and, if necessary, investigation. The designee of the Chief of Police will coordinate investigation and emergency response. The Town Manager will convene the Human Resources Director, the designee of the Chief of Police, the department manager, the supervisor (if applicable), and the EAP Provider to develop and oversee the Town's administrative response to the incident.
- c) In instances that do not involve emergency response, the Town Manager/designee will coordinate an internal administrative investigation, or refer the matter to the Police Department for investigation. The Town Manager may convene the Human Resources Director and the EAP Provider to develop the Town's response to the incident.

2. Investigation

Workplace incidents which may require police intervention and/or involve criminal activity will be referred to the Police Department for investigation. The Town Manager/designee, at his or her discretion, may conduct an administrative investigation concurrent with the criminal investigation by the Police Department.

The Town Manager/designee will investigate workplace incidents that do not involve police intervention and/or criminal activity. The Town Manager/designee will conduct administrative investigations in a confidential manner.

a) Discipline

Any employee who is found to be the initiator of criminal conduct or violence in the workplace shall be subject to disciplinary action, up to and including termination from Town service. Any disciplinary action will be taken in accordance with the relevant collective bargaining agreement, where applicable.

G. INTERVENTION

1. At-Risk Employees

Some employees are known to be at risk for violence because of the nature of their jobs (i.e. police officers). Other employees can be at risk because they are subjected to violence, threats or harassment from a current or former spouse or partner or other non-employee. The Human Resources Director and EAP will work with at-risk employees and their department heads to develop safety plans that address the specific risks the employees face while at work.

2. Reports of Violence

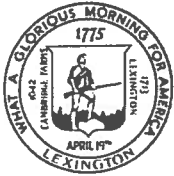
Individuals who are victims of workplace violence are encouraged to contact their department manager and/or the Town Manager/designee for response, action, and guidance. Individuals who are victims of domestic violence are encouraged to contact their local police department or domestic abuse hotline where the incident occurred for referral, support, and assistance.

3. Referrals

Managers and supervisors are encouraged to refer at-risk employees to the Human Resources Director and/or to the Employee Assistance Program for referral, support and assistance, and to refer employees who request assistance with domestic violence concerns to EAP for referral, support, and assistance.

4. More Information

Please ask your department manager, supervisor or the Human Resources Department if you need more information.



Town of Lexington Administrative Directive #25 Non-Discrimination Policy and Procedures for Employees

Created: 4/14/2017

Revised: N/A

Replaces: N/A

Effective:

Approved by:

Carl F. Valente, Town Manager

** This policy is applicable to all municipal employees of the Town of Lexington.
For those employees covered by Collective Bargaining Agreements, the provisions of the CBA, which are
subject to negotiation, prevail over the language in this policy (i.e. discipline).
Any changes made to this policy that apply to sections subject to collective bargaining will be sent to the
appropriate union prior to implementation.*

A. PURPOSE

The purpose of this document is to outline the Town's policy of non-discrimination in all areas of employment for present and prospective employees, and to ensure compliance with applicable federal laws, state statutes, and Town by-laws. The duty to provide equal employment opportunity and to pursue affirmative action arises from Title VI and VII of the U.S. Civil Rights Act of 1964, M.G.L. c. 151 (B), Executive Order #11246 (as amended), and Executive Order #227.

B. APPLICABILITY

This policy applies to all employees of the Town of Lexington excluding those employees under the supervision and control of the School Committee.

C. DEFINITIONS

Affirmative Action -- the commitment to the recognition, development, and utilization of the abilities of members of protected groups. Affirmative action is a process used to achieve the purpose and spirit of anti-discrimination laws.

Equal Employment Opportunity -- a course of action that ensures that hiring and other employment decisions are made solely on an individual's merit and qualifications, without regard to race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities.

Americans with Disabilities Act -- the federal law enacted in 1990 to ensure non-discrimination in employment against qualified individuals with disabilities.

Discrimination -- unequal treatment or categorization of individuals on a basis other than individual merit such as race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities.

Individual with a Disability -- an individual who has a physical or mental impairment that substantially limits one or more of his or her major life activities or who has a record of such an impairment, or who is regarded as having such an impairment as defined by the Americans with Disabilities Act (ADA). An individual who currently uses drugs illegally is not considered to be an individual with a disability.

Major Life Activities -- activities that an average person can perform with little or no difficulty, such as walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, caring for oneself, or working.

Race and Ethnicity -- a group of persons related by common descent or heredity and self-identify as belonging to one or more of the following categories:

White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Black or African American: A person having origins in any of the black racial groups of Africa.

Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American culture or origin, regardless of race.

Native American or Alaskan Native: A person having origins in any of the original peoples of North or South America (including Central America), and who maintains cultural tribal affiliation or community recognition.

Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Sub-continent for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Protected Class -- legally identified groups that are specifically protected by statute against employment discrimination.

Qualified Individual with a Disability -- an individual with a disability who meets the skill, experience, education, and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the particular job.

Reasonable Accommodation -- a modification or adjustment to a job, employment practices, or work environment that makes it possible for an individual with a disability to enjoy an equal employment opportunity.

Sexual Harassment -- unwelcome conduct of a sexual nature that is a term or condition of employment.

Undue Hardship -- an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the department.

D. POLICY

1. General

The Town of Lexington recognizes the right of individuals to work and advance on the basis of merit, ability and potential without regard to race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities. Non-discrimination and equal opportunity will be the policy of the Town of Lexington in all of its employment programs and activities.

Toward this end, the Town of Lexington commits itself to take affirmative measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship training programs, and all terms and conditions of employment. The Town of Lexington is committed to fostering and encouraging a workplace comprised of individuals of diverse backgrounds, races, genders, abilities, religious beliefs, sexual orientation, and ages.

All Town employees are encouraged to take diligent, affirmative steps to ensure equal opportunity and respect for diversity, not only in the internal affairs of Town departments and agencies, but also in their relations with the public, including those persons and organizations doing business with the Town. The policy of the Town of Lexington is to:

- (a) Recruit, hire and promote in all job classifications without regard to race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities.

(b) Make decisions about employment so as to encourage the development of a diverse workforce.

(c) Ensure that employment and promotion decisions are made in accordance with the principles of equal employment opportunity by imposing only valid, job-related requirements for employment and promotional opportunities.

(d) Ensure that all other personnel actions such as compensation, benefits, transfers, layoff, recall, training, tuition assistance, and social and recreational programs will be administered without regard to race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities.

(e) Prohibit any kind of harassment based on race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities.

2. Sexual Harassment

The Town of Lexington will not tolerate sexual harassment in the workplace. The duty to prevent such harassment arises from M.G.L. c. 151B and from Title VII of the U.S. Civil Rights Act of 1964, which includes sexual harassment as a form of unlawful discrimination. More information on sexual harassment is contained in Administrative Directive #2, Harassment and Sexual Harassment Policy.

3. Americans with Disabilities

The Town of Lexington will not discriminate against people with disabilities in any employment practices or in terms or conditions of employment, including, but not limited to application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff, recall, termination, compensation, leaves or benefits.

More information on the Americans with Disabilities Act is contained in Administrative Directive #11, dated April 1, 2009.

E. PRE-EMPLOYMENT PROCEDURES

Hiring managers shall be mindful of the goal of fostering diversity during the hiring process.

F. GRIEVANCE PROCEDURE

1. The purpose of this procedure is to encourage local resolution of grievances concerning employment. It is important to note that a grievant is not required to exhaust

the Town's procedures prior to filing a state or federal complaint or taking court action. This procedure pertains specifically to this policy, and should be considered separate from those grievance procedures laid out in individual collective bargaining agreements.

2. Anyone who feels that he or she has been discriminated against by the Town of Lexington on the basis of race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities in employment practices may file a grievance.
3. The grievance should be in writing and should contain information about the alleged discrimination such as name, address, phone number of grievant and location, date and description of the problem. Reasonable accommodation, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities who are unable to submit a written complaint.
4. The grievant should first attempt to resolve the grievance at the level of the department manager. The department manager will notify the Human Resources Director if such a grievance is submitted.
5. If the grievance is not resolved to the satisfaction of the grievant, or if the department manager lacks authority or jurisdiction to correct the problem, the grievance should be submitted by the grievant and or his/her designee as soon as possible to:

Human Resources Director
1625 Massachusetts Avenue
Lexington, MA 02420

6. Within fifteen (15) business days after receipt of the grievance, the Human Resources Director will meet with the grievant to discuss the grievance and possible resolutions. Within fifteen (15) business days after the meeting, the Human Resources Director will respond to the grievant in writing, or, where appropriate, in a format accessible to the grievant such as audio tape. The response will explain the position of the Town of Lexington and may offer options for substantive resolution of the grievance.
7. If the response by the Human Resources Director does not satisfactorily resolve the issue, the grievant or his or her designee may appeal the decision of the Human Resources Director to the Assistant Town Manager by filing a written appeal within fifteen (15) days of receipt of the decision of the Human Resources Director.
8. Within fifteen (15) business days of receipt of the appeal, the Assistant Town Manager will meet with the grievant to discuss the grievance and possible resolutions. Within fifteen days after the meeting with the Assistant Town Manager, the Assistant Town

Manager will respond in writing, or where appropriate, in a format accessible to the grievant, with a final resolution of the grievance.

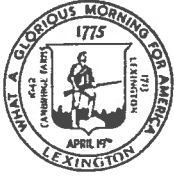
9. All grievances received by the Human Resources Director, appeals to the Assistant Town Manager, and responses from same, will be kept by the Town of Lexington for at least three (3) years. Such documents will remain confidential to the extent provided by law.
10. This grievance procedure is meant to be informal, and cannot be legally binding on either party. Any grievance or complaint involving existing or threatened civil or criminal litigation may not be addressed using this informal procedure.

G. RETALIATORY ACTION

No retaliatory action will be taken against those persons who file complaints of sexual harassment or discrimination on the basis of race, color, religious creed, political affiliation, national origin, sex, sexual orientation, gender identity, age, genetic information, ancestry, marital status, veteran status or membership in the armed service, handicap of a qualified handicapped person, mental illness, or because of past participation in discrimination complaint-related activities, or against individuals who cooperate in such investigations.

H. SANCTIONS

Violation of this policy will lead to appropriate disciplinary action up to and including termination from Town service.



Town of Lexington Administrative Directive #26 Weather and Emergency Events Policy

Created: 4/14/2017

Revised: N/A

Replaces: N/A

Effective:

Approved by:

Carl F. Valente, Town Manager

** This policy is applicable to all municipal employees of the Town of Lexington.
For those employees covered by Collective Bargaining Agreements, the provisions of the CBA, which are
subject to negotiation, prevail over the language in this policy (i.e. discipline).
Any changes made to this policy that apply to sections subject to collective bargaining will be sent to the
appropriate union prior to implementation.*

A. PURPOSE

The purpose of this policy is to set forth the guidelines to be followed in the event that snow, other weather-related events, or emergency situations cause the closing or limited staffing of municipal departments.

B. APPLICABILITY

This policy applies to management, administrative, professional and support personnel, in all work locations except Cary Memorial Library. It does not apply to public safety, custodial/maintenance staff, or non-administrative Department of Public Works personnel.

C. POLICY

It is the policy of the Town of Lexington to compensate employees who are told not to report for work because the municipal building they work in is closed due to snow or other weather-related event.

D. PROCEDURES

If a snow or other weather-related event occurs before or during morning commute hours, employees should allow a reasonable amount of time necessary to arrive at work safely. Employees who prefer to use accumulated leave time, in lieu of reporting to work, should be allowed to do so. Unless the municipal building is closed by the Town Manager, employees who do not report to work for the entire day must use their own accumulated leave for the day.

1. Entire Day Closure

In the event that a decision is made by the Town Manager not to open the building, employees will be notified by their supervisor as soon as possible prior to the start of their

work day. Appropriate notification may also be made on building voice mail systems. Employees who were previously scheduled to be on vacation, sick, or other leave for that period will be charged the appropriate leave regardless of building closure.

2. Partial Day Closure

In the event that the Town Manager schedules a late opening or closes the building early, employees scheduled to work will be compensated for the time the building was closed. Employees who choose not to report to work will be charged the appropriate leave time for the time period that the building was open.

3. Limited Work Force

When an event begins during the day and is forecast to impact driving conditions, or otherwise impact operation of the facility, the Town Manager may call for a Limited Work Force. This shall mean that at least one employee in each department should remain in the office until the close of business, or until the building is closed by the Town Manager. Employees that remain until the close of business shall receive compensation time.

E. CHANGES

The Town Manager may make reasonable changes in the implementation of this policy based on weather and/or emergency conditions or the needs of the Town.



Town of Lexington Administrative Directive #30 Pregnant Workers Fairness Act

Created: February 15, 2018

Revised: _____

Replaces: _____

Effective: April 1, 2018

Approved by: _____

Carl F. Valente
Carl F. Valente, Town Manager

** This policy is applicable to all municipal employees of the Town of Lexington.
For those employees covered by Collective Bargaining Agreements, the provisions of the CBA, which are
subject to negotiation, prevail over the language in this policy (i.e. discipline).
Any changes made to this policy that apply to sections subject to collective bargaining will be sent to the
appropriate union prior to implementation.*

A. BACKGROUND

The Pregnant Workers Fairness Act amends the current Massachusetts statute prohibiting discrimination in employment (M.G.L. c.151B section 4), and expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions. It also describes employers' obligations to employees that are pregnant or lactating and the protections that these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

B. POLICY

In accordance with the Pregnant Workers Fairness Act:

- The Town will accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship (significant difficulty or expense) on the Town.
- Once an employee requests an accommodation, the Town will communicate with the employee to determine a reasonable accommodation for the pregnancy or the pregnancy-related condition.
- The Town will not require a pregnant employee to accept a particular accommodation or to begin parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship on the Town.
- The Town will not refuse to hire a pregnant job applicant or an applicant with a pregnancy-related condition because of the pregnancy or pregnancy-related condition if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- The Town will not deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
- The Town will not require medical documentation about the need for an accommodation if

the accommodation requested is for (i) more frequent restroom, food, or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk.

C. PROCEDURE

Any employee needing an accommodation for a pregnancy or pregnancy-related condition should contact Human Resources for assistance.



Town of Lexington Administrative Directive #31

Password Policy

Created: 03/2019

Effective: 5-23-19

Approved by:


James Malloy, Town Manager

For those employees covered by Collective Bargaining Agreements ("CBAs"), the provisions of the applicable CBA, prevail over the language in this policy. Any changes made to this policy that apply to sections that are subject to collective bargaining, will be sent to the appropriate union prior to implementation.

Table of Contents

- A. Purpose
- B. Applicability
- C. Password Construction and Security
- D. Policy Enforcement
- E. Exceptions

A. Purpose

In conjunction with the Town of Lexington's ("Town's") Technology Use Policy, the following policy applies to the use of passwords. Passwords are an important aspect of securing the Town's technology infrastructure. They are the front line of protection for user accounts. A poorly chosen password may compromise the Town's systems and entire network. As such, all users are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords. The Town of Lexington intends to honor the policies set forth below, but reserves the right to change them at any time.

B. Applicability



Town of Lexington Administrative Directive #31

Password Policy

This policy is applicable to all employees of the Town of Lexington *and* all Town users who have, or are responsible for, a computer account, or any form of access that supports or requires a password, on any system that resides in any Town facility, any technology connected to the Town network, any Town owned technology, any Town related vendor or cloud based account, or any system that stores any public or non-public Town information. This policy, and any related policies, are also applicable to any contractor, consultant, volunteer, intern or any other person authorized to utilize Town technology property. Any person using the Town's technology shall be considered a user ("user") for purposes of this policy. This policy shall be read and interpreted in conjunction with all other Town policies and procedures.

C. Password Construction and Security

For security purposes, all passwords **MUST** meet the following guidelines:

- Contain at least 8 (eight) alphanumeric characters or symbols.
- Contain at least 1 (one) uppercase (e.g. R) and 1 (one) lowercase letter (e.g. n).
- Contain at least one number (0-9).
- Passwords must not be based on personal information or that of friends, family members (e.g., birthdays, phone number, social security number, or any variations thereof).
- Passwords must not contain system information or any information related to Town systems or programs.
- Passwords may not be exact repeats of previously used passwords.

All user-level and system-level passwords must conform to these guidelines. Users must secure their computer when leaving it unattended (i.e. lock or sign off computer when stepping out for a meeting, lunch or leaving for the day). **Passwords must be kept confidential and secure.**

In addition, these guidelines must be followed to help maintain password security:

- Do not share your Town of Lexington password(s) with anyone, including co-workers and family members.
- Do not reveal a password over the phone to anyone.
- Do not reveal a password on questionnaires or security forms.
- Do not hint at the format of a password (e.g. "my family name").
- Do not write passwords down and store them anywhere in your office.



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Password Policy

- Do not store passwords in a file on a computer system or mobile devices (phone, tablet) without encryption or password protection.
- Do not email passwords with any other account information.
- Do not use the "Remember Password" feature of applications (e.g., web browsers).
- Do not acquire a password that is not your own or you are not authorized to use.
- Do not use personal account passwords for Town account passwords. Do not use Town account passwords for personal accounts.

All employee passwords must be changed at least annually.

Any user suspecting that a password may have been compromised must immediately report the incident to the Information Technology Department and change the compromised account(s) password(s). All external account passwords for Town related business must be kept confidential and not shared. If an employee is locked out of their account, they must contact the Information Technology Department to get the issue resolved.

D. Policy Enforcement

A violation of this policy or any attempt to bypass or to circumvent this policy may result in disciplinary action reflecting the seriousness of the violation, ranging from a verbal warning or revocation of system access or privileges to discharge from employment.

E. Exceptions

Exceptions may be established by the Town Manager or his/her designee on a case-by-case basis due to Town and/or technical requirements (e.g. when a technology cannot comply). All exceptions must be documented and comply with this policy to the greatest degree practicable.

Exceptions include:

1. **Authorized shared accounts:** Some Town of Lexington user names and passwords are group contacts or generic users. Authorized users of those accounts may share the account information and comply with the rest of the policy. Special attention must be exercised with these accounts (e.g. when one



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Password Policy

individual in the authorized group is no longer employed by the Town or changes roles as an employee, the password and access must be immediately changed). Additionally, all users with these special accounts must be clearly documented.

2. **Service or technology accounts:** Some technology service accounts may not comply with minimum password complexity and requirements due to technical restrictions of that hardware or software. Some technology accounts, such as software registration, must be shared to ensure service continuity.
3. **Password communication:** Authorized IT staff may communicate a password over the phone after ensuring they are communicating with the intended recipient of the password.
4. **Emergency access:** Individual departments may implement a requirement that employee passwords be accessible on an emergency access basis.
5. **Public access:** This policy does not govern employees' use of personal devices and accounts in connection with publicly-accessible Town technical property, such as Town Public WiFi. Note that the use of publicly-accessible Town technical property may be subject to other restrictions..



Town of Lexington Administrative Directive #32

Social Media Policy

Created: 03/2019

Effective: 5-23-19

Approved by:


James Malloy, Town Manager

For those employees covered by Collective Bargaining Agreements ("CBAs"), the provisions of the applicable CBA, prevail over the language in this policy. Any changes made to this policy that apply to sections that are subject to collective bargaining, will be sent to the appropriate union prior to implementation.

Table of Contents

- A. Purpose
- B. Applicability
- C. Terminology
- D. External Social Media Policy
 - C1. Moderation of Third Party Content
 - C2. Public Records Law
- E. Internal Social Media Policy
 - D1. Purpose
 - D2. Acceptable Use
 - D3. Approval and Registration
 - D4. Intellectual Property
 - D5. Records Retention
 - D6. Oversight and Enforcement

A. Purpose

In conjunction with the Town of Lexington's ("Town's") Technology Use Policy, the following policy applies to the use of social media. This document outlines the policies and procedures for personal and official use of social media sites for Town business. The Town of Lexington actively operates several social media accounts for the purposes of informing and engaging residents, businesses, elected officials, local media, and visitors. As the use of these platforms improve and demand for information increases, it is vital that Town staff, boards, and committees that engage in social media communications on behalf of the Town, understand their legal obligations and use social media accounts responsibly and appropriately.

The purpose of this document is to provide:



Town of Lexington Administrative Directive #32

Social Media Policy

- A standard policy that can be applied to all of the Town's social media accounts, covering content moderation and public records laws.
- A set of internal policies governing staff's management of Town social media accounts and the content published on them.
- Procedures to be followed for creation and maintenance of Town social media accounts.

These policies and procedures are intended to:

- Clarify the allowed uses of social media by staff
- Ensure that the Town's social media consumers receive accurate, useful and timely content
- Limit the Town's liability for externally generated content and its possible removal or deletion

The Town of Lexington intends to honor the policies set forth below, but reserves the right to change them at any time.

B. Applicability

This policy applies to every employee, board member (elected or appointed), contractor, vendor, or remote user who has a personal social media account or is provided access to or moderates a Town social media account. Any person who uses social media to communicate on behalf of the Town shall be considered a user ("user") for purposes of this policy. It is the responsibility of all users to read, understand and follow this policy. In addition, users are expected to exercise reasonable judgment in interpreting this policy and in making decisions about the use of information technology resources. This policy shall be read and interpreted in conjunction with all other Town policies and procedures.

C. Terminology

Town Users – any person who uses social media to communicate on behalf of the Town in a professional capacity.

Social media – means the various forms of electronic communication and information-sharing technology used to create web content and dialogue around a specific issue or area of interest. Examples of social media applications include but are not limited to Facebook, LinkedIn, Twitter, YouTube, Tumblr, Instagram and news media comment-sharing/blogging.



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Social Media Policy

Personal information – Recorded information about an individual that may include his or her

- Name, address, email address, phone number
- Race, nationality, ethnicity, origin, color, religious or political beliefs or associations
- Age, sex, sexual orientation, marital status, family status
- Identifying number, code, symbol
- Finger prints, blood type, inherited characteristics
- Health care history including information on physical/mental disability
- Educational, financial, criminal, employment history.

D. External Social Media Policy

The following guidelines must be made available to all users on all social media sites.

1. Moderation of Third Party Content

All content published on Town social media accounts is subject to monitoring. User-generated posts or comments may be rejected or removed (if possible) when the content:

- is off-subject or out of context
- contains obscenity or material that appeals to the prurient interest
- contains personal identifying information or sensitive personal information
- is threatening, harassing or discriminatory
- incites or promotes violence or illegal activities
- contains information that reasonably could compromise individual or public safety
- advertises or promotes a commercial product or service, or any entity or individual
- promotes or endorses political campaigns or candidates
- compromises the privacy of public safety officials
- contains links to phishing content or other content designed to compromise security
- promotes or publishes the identity of a Town employee without their approval

In the best interest of the constituent, content on each social media site is designed chiefly to provide information and help fulfill service requests.



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Any inclusion of third-party hyperlinks, images, applications, or references on the site does not constitute an endorsement or recommendation by the Town of Lexington. Their inclusion is simply to provide users with relevant information and resources.

The Town does not, unless required by law, share personally identifying information with any third party.

2. Public Records Law

Town created social media sites may be subject to the Massachusetts Public Records Law. Content received by or maintained in any Town social media account may be a public record. The Town is responsible for responding completely and accurately to any public records request for social media content published by the Town. For a more complete discussion of the implications of the Public Records Law for social media, please refer to Commonwealth of Massachusetts, Secretary of State's Office Guide to the Public Records Law, which includes FAQs as well as the text of the statute.

E. Internal Social Media Policy

1. Purpose

This document defines the social networking and social media policy for the Town of Lexington. To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, Town departments may consider using social media tools to reach a broader audience. The Town encourages the use of social media to further the goals of the Town and the missions of its departments, where appropriate. However, the Town has an overriding interest and expectation in deciding what is "spoken" on its behalf on social media sites

2. Acceptable Use

Personal Use

Town employees may have personal social media accounts and maintain a social media presence. However, it is important that Town employees' personal social media account(s) remain distinguishable from official Town outlets, and that personal social media use not result in disruption in the workplace. Town employees should take care to ensure that personal opinions shared on social media sites are not confused for official Town positions. Should the Town determine that there is a significant risk of confusion regarding whether an employee's personal social media



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account is a Town outlet, or that an employee's personal social media use poses a significant risk of disruption in the workplace, it will take appropriate steps to resolve the situation.

Town employees must never use their Town e-mail account or password in conjunction with a personal social media site.

Professional Use

Only individuals authorized by the Town may publish content to a Town social media site.

All official Town-related communication through social media outlets should remain professional in nature and should always be conducted in accordance with the Town's communications policy, practices and expectations. Employees must not use official Town social media sites for political purposes, to conduct private commercial transactions, or to engage in private business activities (contracting services, investing, financing, etc.).

Town employees should be mindful that inappropriate use of official Town social media sites can be grounds for disciplinary action.

3. Approval and Registration

All Town social media sites must be:

- (1) Approved by the Department Head, Town Webmaster, and Public Information Officer
- (2) Limited to approved social media platform and tools
- (3) Administered only by authorized employees
- (4) Accessible by the Information Technology Department and authorized designees

4. Intellectual Property

Content on the Town web site, including the Town Seal, images, and graphics, is copyrighted either by the Town of Lexington or by a third-party provider. Any third party images, graphics, or content on the Town's website are used with permission from the copyright holder. Before reproducing or otherwise using any content from the site, including images and graphics, users must obtain permission from the appropriate copyright holder.



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5. Records Retention

Social media content may be a public record subject to applicable retention requirements. The Town will preserve records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Furthermore, retention of social media records shall fulfill the following requirements:

- Social media records are captured in a continuous, automated fashion throughout the day to minimize a potential loss of data due to deletion and/or changes on the social networking site.
- Social media records are maintained in an authentic format (i.e. ideally the native technical format provided by the social network, such as XML or JSON) along with complete metadata.
- Social media records are archived in *Archive Social*, a system that preserves the content published on Town social media sites, including conversation threads and rich media, to ensure completeness and availability of relevant information when records are accessed.
- Social media records are indexed based on specific criteria such as date, content type, and keywords to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF).
- Each employee who fulfills public records requests has self-service, read-only access to search and produce relevant social media records to fulfill public information and legal discovery requests as needed.

The Town utilizes an automated archiving solution to comply with applicable public records law and fulfill the above record retention requirements.

6. Oversight and Enforcement

Employees representing the Town through social media must maintain the same high level of ethical conduct and professional decorum expected in all Town business and communications. Failure to do so is grounds for revoking the privilege to participate in Town social media, and, depending on the conduct may also be grounds for discipline.



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Social Media Policy

Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, and avoid jargon, obscure terminology, or acronyms. Social media should not be used to circumvent other Town communication policies currently in use by the Town.

Town employees may not publish information on Town social media sites that includes:

- Confidential or personal information
- Copyright violations
- Profane, racist, sexist, or derogatory content or comments
- Political views
- Commercial endorsements
- Non-public information, such as Executive Session meetings

Content oversight is primarily the responsibility of the Town users authorized to manage each social media account. However, the Town's Public Information Officer (PIO) and Webmaster will monitor content on all Town social media accounts to ensure adherence to this policy and that the interests and goals of the Town are being served.

A violation of this policy or any attempt to bypass or to circumvent this policy may result in the suspension or permanent loss of the privilege to participate in Town social media, and may subject the user to disciplinary action, up to and including discharge from employment.

The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable federal, state, or local laws, rules, or policies and content/comments on topics or issues not related to Town business.